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CIVCAL4 Rancho Cucamonga District
 Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RC RS00326

CASE NAME: MARCIO ANDRE FERREIRA

HEARING:
Hearing Re: AMENDED CONSERVATORSHIP.

COUNSEL:
VICTOR FERREIRA (PET)...PRO/PER
MARIA FERREIRA (PET)...PRO/PER
MARCIO ANDRE FERREIRA (PCE)...

GENERAL INFORMATION Continued from 7-11-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to amend conservatorship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter came on by way of exparte. The court denied the temporary orders and continued the matter to this hearing date. The petition does not specify what it is that the petitioners want changed. It is therefore difficult to know what relief they are requesting.
2. In reviewing the file it appears that an error was made when the original letters were issued. There was no request for dementia powers, but there was a request for medical powers. The petition was granted. The letters and the order after hearing reflect that dementia powers were granted and not medical powers. Is this what the petitioners wish to correct?
3. **Declaration filed, indicating that conservators wish medical powers to put the conservatee in a nursing facility. Pro Per conservators may not realize that power to place in a locked facility is what is being requested, rather than just power to place the conservatee in a regular nursing home.**

4. **If dementia powers are now being requested, then matter will need to be re-opened, as the conservatee will need counsel and new medical declaration will need to be filed. Based upon the file information, the conservatee is a young man with a seizure disorder and some developmental issues. Inland Regional Center has been involved. It would appear that there is no basis for the dementia lock down request.**
5. **Court should correct orders to reflect what was actually ordered – medical powers only. Medical capacity declaration filed in 2001 indicates that conservatee would not benefit from being placed in a locked facility and dementia medications. However, conservatee does lack capacity to provide medical consent.**
6. **It appears that one of the reasons that this Amended Petition may have been filed was that the conservators wish to take possession of the conservatee's money and property. The proper way to do that is to become the conservator of the estate. An attachment to the Conservator of the Person papers is not effective.**

RECOMMENDATION:

The Court should deny the Amended Petition without prejudice to filing a new petition to obtain dementia powers if that was the intent or a petition for conservator of the estate if that was the intent.

Nunc pro tunc, the Court should vacate the prior order and letters because they don't correctly reflect the court's order. The left side of the Court file contains the Order and Letters which the Court should execute as corrected.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RC RS00362

CASE NAME: BERTHA S ERLICH

HEARING:
(07/18/06) SECOND and Final Account and Report.

COUNSEL:
CONSTANCE FENSKE (PET)...KARL FENSKE
BERTHA S ERLICH (PCE)...

GENERAL INFORMATION accounting covers 12-14-03 through 12-26-05. Conservatee died on 12-25-05.

Assets: -0-

THIS CASE IS SET FOR HEARING ON Second and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All assets were expended for the benefit of the Conservatee. During the last months of her life Conservatee resided at Plott Nursing Home. The Nursing Home was a direct payee of the Conservatee's income. At the time of the transfer there was only \$397.85 left in the Conservatee's account. That money was withdrawn and used for the Conservatee's incidentals while in the Nursing Home.
2. Conservator waives fees.
3. Attorney waives fees.
4. Accounting looks ok.

RECOMMENDATION:

Recommended for approval absent objection. There are no assets to transfer so no future date need be set.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RC RS00424

CASE NAME: CATALINA D ESQUEDA

HEARING:
Accounting Review

COUNSEL:
HELEN PADILLA (PET)...MARIELLEN ROSS
CATALINA D ESQUEDA (PCE)...VARNER, SALESON & BRANDT LLP

GENERAL INFORMATION Continued from 7-11-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2. Clerk must notice bonding company.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RC RS00488

CASE NAME: LULA M BROWN

HEARING:
(12/20/05) FIRST and Final Account and Report.

COUNSEL:
SYLVESTER SWEETEN (PET)...MALCOLM S MACMILLAN
LULA M BROWN (PCE)...

GENERAL INFORMATION Conservatee died on 2-13-05. Accounting covers 4-29-04 through 10-25-05. Continued from 2-21-06, 4-11-06 and 7-11-06. At the time of the 7-11-06 hearing Melva Lou Sweeten appeared and objected to the expenditures made allegedly after the death of her mother. Court continued the matter for clarification. In a supplement the petitioner indicated that the questioned expenditures really occurred in 2004 and not 2005 as indicated in the original accounting. In fact the only expenditures after the Conservatee's death was a final payment on prescriptions obtained prior to death and a bank service charge. Review of the original accounting establishes that this appears to be a correct statement. The sequencing of the dates shows that some 2005 dates were entered in the middle of the 2004 year. These errors would clearly appear to be typographical errors.

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The sole asset of the estate was the Conservatee's ½ interest in real property. The property was held in joint tenancy with the surviving spouse. The property passed by operation of law. Prior statements that the property was sold was in error.
2. Attorney indicates that he will be paid pursuant to the retainer agreement with the Conservator and not out of the estate.
3. Per the original petition the Conservatee had SSI income. That income is not accounted for in the accounting. Per the accounting there was no income. What happened to it? File verified supplement. **A supplement has now been filed**

showing that there was S.S.I. income and all of the income was spent for the benefit of the Conservatee. There are no remaining assets.

RECOMMENDATION:

Recommended for approval absent further objection. As there are no assets to transfer no future dates need be set.

Rancho Cucamonga District

CIVCAL4

Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RC RS00590

CASE NAME: RUTH ALLEN

HEARING:

Petition for Appointment of Conservator

COUNSEL:

LINDA WHITE

(CPE)...CHRISTOPHER A POULOS

RUTH ALLEN

(CEP)...LINDA J GLADSON

GENERAL INFORMATION continued from 7-11-06. **Note, we have received a notice of hearing and proof of service from counsel for the wrong hearing date. The proof of service indicates that the hearing is on 9-19. Matter is on for 9-26-06.**

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Dementia powers are sought. Court appointed Attorney Gladson for Conservatee.
2. Dementia powers are sought. Please file capacity declaration.
3. Medical powers sought. File capacity declaration. **Declaration filed, but it is incomplete. Doctor needs to attest to at least 2 years experience in diagnosing dementia (Item 3a), Doctor must initial 7b. Court should note that only placement powers is covered under declaration and not the medications.**
4. Petitioner requests that as long as Pr.C. § 2628 criteria apply to this case that Court Investigator fees need not be paid and accountings not be required. Pr.C. § 2628 does not apply to this case at this time. Therefore it would appear that the request is not appropriate.
5. Petitioner requests that bond be set in the amount of \$200,000. Amount appears adequate based on the information contained in the petition.
6. Court Investigator report in file.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-3-07. Set hearing for accounting review for 11-27-07. Accounting to be filed 30 days in advance.

CIVCAL4 Rancho Cucamonga District
 Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RC RS00604

CASE NAME: KAREN M. VAN ZANTEN

HEARING:

Petition for Appointment of Conservator

COUNSEL:

MARY P BOON (CPE)...CHRISTOPHER A POULOS

KAREN M VAN ZANTEN (CTP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for **limited** conservatorship of the person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Inland Regional Center report.
2. Court must appoint counsel for Conservatee.
3. Petitioner seeks medical powers under section 9 of petition, but did not check box 1(g). File verified supplement.
4. Capacity declaration filed supporting medical powers. Court is directed to the capacity declaration. Conservatee has been administered Zyprexa, a psychotropic medication without medical or dementia powers. This is not permissible unless the Conservator has actually been given powers under Pr.C. § 2355 and the purpose of the drug is not for dementia. See list of psychotropics in the inside cover of the file. Court will need clarification on this issue.
5. Petitioner seeks to limit civil rights of the Conservatee. See yellow tab in file. Judge to decide.
6. Petitioner seeks waiver of Court Investigator fees on the basis that the Conservatee has no assets. Judge to decide.
7. File return of citation.

RECOMMENDATION:

Appoint counsel. Require correction of notes. Obtain clarification on the drug issue.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01120

See page 8

CASE NAME: BLAIRE NICHOLE GREEN, JAMES ANTHONY MARCHAND JR
HEARING:

Petition for Appointment of Guardian

COUNSEL:

ROBERT GONZALEZ (PET)...PRO/PER
LINDA GONZALEZ (PET)...PRO/PER
BLAIRE NICHOLE GREEN (MIN)...SISSIE L BARKER
JAMES ANTHONY MARCHAND JR (MIN)...
STEVEN WILKINSON (MIN)...
BARRY ESKIN (TP)...PRO/PER

GENERAL INFORMATION I am assuming that this is the petition for appointment of guardian for Steven Wilkinson and not minors Blaire Green or James Marchand, Jr. Temporary orders denied as no emergency

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At the time of the exparte mother appeared. Court ordered mother to file written objections. No objections filed to date. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal Rule of Court 7.801)
2. Mother has been served.
3. Father was served by mail in prison.
4. A Michael Shute was personally served. The file does not make clear who this person is.
5. Petitioner alleges that the maternal grandfather and paternal grandparents are unknown. Judge to decide if court will dispense notice.
6. Court may wish to review confidential screening form.
7. Court Investigator report is favorable to petition.

RECOMMENDATION: None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01120

CASE NAME: BLAIRE NICHOLE GREEN, JAMES ANTHONY MARCHAND JR

HEARING:
Petition for removal of gaurdian ROBERT GONZALEZ

See page 7

COUNSEL:

ROBERT GONZALEZ (PET)...PRO/PER
LINDA GONZALEZ (PET)...PRO/PER
BLAIRE NICHOLE GREEN (MIN)...SISSIE L BARKER
JAMES ANTHONY MARCHAND JR (MIN)...
STEVEN WILKINSON (MIN)...
BARRY ESKIN (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to remove Robert Gonzales as co-guardian.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The basis of the petition is that petitioner and Robert were divorced and Robert has had no contact with the children since 2002.
2. Petitioner has requested that notice be excused as to the maternal grandfather in that no one has had contact with him in years.
3. There is no objection in the file.

RECOMMENDATION:

Court may remove a guardian for failure to perform duties or any other reason the court deems in the best interests of the minors. Pr.C. § 2650.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01808

CASE NAME: DANIEL, JUAN AND FLORENCIO CAMPOS

HEARING:
Petition for Appointment of Guardian

COUNSEL:
CATALINA CAMPOS (PET)...PRO/PER
DANIEL CAMPOS (MIN)...
JUAN CAMPOS (MIN)...
FLORENCIO CAMPOS (MIN)...

GENERAL INFORMATION Temporary orders were denied originally. At the time of the hearing on 4-18-06 the court granted temporary orders. The court ordered the petitioner to file an order for temporary orders. There are temporary letters in the file that have not been issued. There is no temporary order. Continued from 6-27-06. On 6-27 the court found that notice was still needed as to Court Investigator, maternal grandparents and Valdina Campos. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by sister, minors 15, 14 and 9.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Minors Daniel and Juan need not be served as they consented in open court.
2. Petitioner has filed a due diligence declaration as to father. Appears sufficient. Judge to decide.
3. File notice of hearing and proof of mailed service on Faustino Bernal Maximo, Julio and Florencia Campos, Valdina Campos and the Court Investigator or file due diligence declarations.

RECOMMENDATION:
None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01846

CASE NAME: KATHY, ENRIQUE, AND ,MAX SERNA
HEARING:

Petition for Appointment of Guardian

COUNSEL:

CATALINA SANCHEZ (PET)...PRO/PER

KATHY SERNA (MIN)...

ENRIQUE SERNA (MIN)...

MAX SERNA (MIN)...

JAMIE SANCHEZ (PG)...

GENERAL INFORMATION: Temporary letters issued April 27, 2006. On 6-20-06 the court denied the petition and discharged the temporary orders due to the fact that no one appeared at the time set for hearing. Then on 6-29-06 the clerk requested the court set the matter back on calendar because the clerk gave notice of the wrong date. Court then set matter back on calendar. Notes below are the notes from the last hearing that remain uncorrected. Nothing new filed.

THIS MATTER IS SET FOR HEARING ON: Petition for Guardianship, person only, by Maternal Grandmother, minors 8, 4, and 2.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition seeks guardianship by maternal grandparents, however only MGM has signed petition. MGF must sign.
2. UCCJEA is not complete. Must list minors' residences for the last five years. Only listed for 4 years.
3. Notice dispensed to father and PGPs.
4. Need to file notice of hearing and proof of personal service on mother. Need mailed service on CI.

RECOMMENDATION:

If MGF wishes to petition for guardianship, must sign petition. Need to clear service.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01850

CASE NAME: JEFFREY HENSLEY AND ALYSSA HENSLEY

HEARING:
Petition for Appointment of Guardian

COUNSEL:
STEPHANIE HENSLEY (PET)...PRO/PER
JEFFREY HENSLEY (MIN)...
ALYSSA HENSLEY (MIN)...

GENERAL INFORMATION temporary orders denied. Continued from 7-11-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, estate only, by mother, minors 15 and 11.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

2. File notice of hearing and proof of personal service on Jeffrey Hensley.
3. Petitioner lists assets of the estate as -0-, but indicates that the purpose of this estate is to collect insurance proceeds. How much are the proceeds of the insurance policy? Is petitioner planning on putting money into blocked accounts? Need this information before court can determine proper bond. File verified supplement.

RECOMMENDATION:
Require correction of notes.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01871

CASE NAME: JACOB POWERS

HEARING:
Petition for Appointment of Guardian

COUNSEL:
KATHERINE SALDANA (PET)...PRO/PER
JACOB POWERS (MIN)...

GENERAL INFORMATION Continued from 8-15-06 at the request of D.C.S. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by friend, minor 15.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on minor and father. Mother has signed consent and waiver.
2. File notice of hearing and proof of mailed service on maternal grandmother and paternal grandmother.

RECOMMENDATION:
None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01894

CASE NAME: SARA LORRAH

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
RENEE LORRAH	(PET)...PRO/PER
SARA LORRAH	(MIN)...

GENERAL INFORMATION Temporary letters issued. 7-20-06

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by stepmother, minor 17.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court has required a D.C.S. report. However, it is likely that D.C.S. will decline as a stepparent is considered a relative pursuant to Pr.C. § 1513(g) and D.C.S. only does reports on non-relatives.
2. Parents and minor consented at the time of exparte. Unclear if the consent was to apply to the permanent as well as the temporary. Proof of personal service filed.
3. File notice of hearing
4. Court may wish to review confidential screening form.

RECOMMENDATION:
None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 09/26/06 TIME: 9:30 DEPT: R15P

CASE #: RG RS01896

CASE NAME: FERNANDO, MARIAH AND NATHAN RODRIGUEZ

HEARING:
Petition for Appointment of Guardian

COUNSEL:

ROBERT WAGGONER	(PET)...	MITCHELL I ROTH
NORMA WAGGONER	(PET)...	MITCHELL I ROTH
FERNANDO RODRIGUEZ	(MIN)...	
MARIAH RODRIGUEZ	(MIN)...	LINDA J GLADSON
NATHAN RODRIGUEZ	(MIN)...	CHRISTINA FERRANTE
DEPARTMENT OF CHILDRENS SERVIC	(AGN)...	
MARIA POLANCO	(PET)...	LAW OFFICES OF CHO AND ASSOCIA
RUBEN POLANCO	(PET)...	LAW OFFICES OF CHO AND ASSOCIA
NATHAN RODRIGUEZ	(MIN)...	PITTULLO, BARKER & ABERNATHY
RICHARD REYES	(PET)...	VINCENT P LANDEROS
YVONNE REYES	(PET)...	VINCENT P LANDEROS
FERNANDO MICHAEL RODRIGUEZ III	(MIN)...	
MARIAH TAYLOR RODRIGUEZ	(MIN)...	
FERNANDO RODRIGUEZ	(MIN)...	
MARIAH RODRIGUEZ	(MIN)...	LINDA J GLADSON
NATHAN RODRIGUEZ	(MIN)...	PITTULLO, BARKER & ABERNATHY
MARIA POLANCO	(PET)...	LAW OFFICES OF CHO AND ASSOCIA
RUBEN POLANCO	(PET)...	LAW OFFICES OF CHO AND ASSOCIA
RICHARD REYES	(TP)...	VINCENT P LANDEROS
YVONNE REYES	(VINCENT P LANDEROS)...VINCENT P

GENERAL INFORMATION On 7/25/06 court & counsel confer off record. Matter referred to Dept of Social Services. Counsel appointed to represent minors: Fernando, Mariah, and Nathan Rodriguez. Custody & visitation ordered for petitioners Robert & Norma Waggoner and paternal grandparents. The country of habitual residence of the children is the US.

Continued from 8/22/06. Matter referred to DCS for investigation. Court has separated the issue of guardianship of the estate from person and set the hearing as to the estate for 11/7/06. Awaiting DCS report.

THIS CASE IS SET FOR HEARING ON Competing petitions for guardianship of person, minors 16, 10, and 5

- By aunt & uncle (Robert & Norma Waggoner)
- By family friend (Richard & Yvonne Reyes)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-
Waggoner:

1. Paternal grandfather signed waiver and consent.
2. Need to file notice of hearing and proof of personal service on minor 12 years and older.
3. Need to file notice of hearing and proof of mail service on PGM, MGM, and Richard & Yvonne Reyes. (Waiver and consent signed by MGPs filed as to petitioner Reyes does not apply to petitioner Waggoner)

Reyes:

4. Petitioner declares parents are deceased and father left a note stating petitioner shall care for minor children.
5. Minor, Fernando Rodriguez, signed nomination of guardian
6. Maternal grandparents each signed waiver and consent.
7. Need to file notice of hearing and proof of personal service on minor 12 years and older.
8. Need to file notice of hearing and proof of mail service on PGPs (Waiver and consent signed by PGF applies to petitioner Waggoner and does not apply to petition by Reyes)

RECOMMENDATION:
Need DCS report

CIVCAL4 Rancho Cucamonga District
 Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RC RS00205

CASE NAME: BETTY MARIE ATWOOD

HEARING:
Hearing re Final Discharge

COUNSEL:
GAIL (PET)...LAW OFFICE OF J. DANA MITCHEWE
BETTY MARIE ATWOOD (CON)...MAUREEN MURATORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

9. Court approved the first and final accounting and report on 7-18-06. Court then set matter for final discharge. Nothing new filed.

RECOMMENDATION:

Generally final discharge is delayed as much as 14 months after the granting of the first and final. Did court wish to continue this further?

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RC RS00231

CASE NAME: CONSERVATORSHIP OF RICHARD MICHAEL GONZALES

HEARING:
Hearing Re: REVIEW OF CONSERVATORSHIP.

COUNSEL:
LOUISE SALCIDO (PET)...PRO/PER
RICHARD MICHAEL GONZALES (PCE)...MAUREEN MURATORE

GENERAL INFORMATION: Matter placed on calendar by court after receiving memo from CI re: conservatee's request to terminate conservatorship. Continued from 7-18-06 to allow petitioner to file a petition to terminate. Nothing new filed.

THIS MATTER IS SET FOR HEARING ON: Review of Conservatorship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court has noticed counsel and conservator of hearing.

RECOMMENDATION: None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RC RS00369

CASE NAME: KRISTI MARIE GORDON

HEARING:
SECOND ACCT CURRENT & REPORT

COUNSEL:
SHARON GORDON (PET)...CHRISTINA FE RRANTE
CHRISTOPHER GORDON (PET)...CHRISTINA FERRANTE
KRISTI MARIE GORDON (PCE)...

GENERAL INFORMATION: Continued from 1/3, 5/9 and 7-18-06 at request of counsel to clear notes. At the time of 7-18 hearing the petitioner provided a copy of schedules A and B. See note 8 below.

THIS MATTER IS SET FOR HEARING ON: Second Account and Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Account covers period of 6/1/03 through 5/31/05.
2. The petitioner alleges that bond is currently set in the amount of \$149,000. This appears to be adequate because petitioner does not have 2590 powers.
3. Petitioner made purchases of a wheelchair and golf buggy. **Per supplement, purchases were made without permission of the court. Wheelchair was purchased because conservatee needed to move up from an adolescent chair to an adult chair. The golf buggy was purchased because the parties live on a dirt road and the wheelchair doesn't work on the dirt road. The golf buggy is used to take conservatee on outings near the home. Total cost was \$25,003.25. Petitioner requests the court approve expenditures as they were for the enhancement and enrichment of the conservatee. Counsel advises that she has admonished her clients that no further major expenditures are permitted without court consent.**

4. Petitioner provides care and transportation for the conservatee. Court has previously allowed the conservator \$1,700 per month for these services. Petitioner is seeking same amount for the next accounting period.
5. Petitioner states conservatee is due to receive \$100,000 in 8/07. The next accounting period goes through 5/31/07. Therefore the court will not have to consider an increase in bond until the 4th accounting period.
6. Bank statements have been filed in support of accounting. However, they do not match the figures in the “assets on hand” schedule. File verified supplement. Also court is requested to advise counsel that the only bank statements needed are those supporting the opening and closing figures on the account. The court will order petitioner to file additional statements if needed.
In a supplement the petitioners allege that the assets on hand are not \$38,904.73 as represented, but \$12,911.48. This is due to the fact that they forgot to deduct the cost of the golf buggy.
7. There is a statement of cash receipts and disbursements, but these are only lump sums for the entire accounting period. File itemized statements. **The supplement also lists information for this note and indicates that Schedules A and B are attached. Court may wish to review the following items:**
 - **Why is Conservatee paying for repairs to a vehicle not an asset of the estate? Repairs to Suburban. Estate owns a Dodge Van. 9-18-03,4-13-04**
 - **Why did it cost \$97.22 for Kotex and water? Then \$94.46 for flavored water?**
 - **Petitioner, mother of Conservatee, paid herself a \$200 Christmas bonus.**
 - **There is a payment of \$47.64 for Motrin and paper towels.**
 - **There is a payment of \$114.60 for flavored water and paper towels.**
 - **For whose funeral did the Conservatee pay \$100 for flowers?**
 - **There is a payment of \$220.80 for a sonic toothbrush at Costco. On the internet the price is listed at \$119.**
 - **There are multiple entries labeled “supplies” without further explanation amounting to \$2,073.04.**
 - **On 5-21 petitioner spent \$172.77 on gas.**

RECOMMENDATION: Review items 7. If petition granted, court will have to set future dates. Set hearing for next accounting for 8/7/07, to cover 6/1/05 through 5/31/07.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RC RS00571

CASE NAME: ROBERT PAUL GONZALEZ

HEARING:
Petition for Appointment of Conservator

COUNSEL:
DENISE GONZALEZ (PET)...DELILAH KNOX RIOS
ROBERT PAUL GONZALEZ (PCE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION Court granted temporary orders on 12-14-05. However, letters have never issued. Continued from April 25, 2006. At last hearing, petition for conservatorship of estate was withdrawn. Continued from 7-18-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court Investigator report in file. Conservatee **CAN** complete voter affidavit.
2. There was an action in Central SCV 132100 wherein the mother was named guardian-at-litem of the Conservatee. Petitioner indicates that a motion to set aside that ruling was filed in that case. The petition in that case was withdrawn.

RECOMMENDATION:

None. No future dates need be set as petition for conservatorship of the estate has been withdrawn. Only conservatorship of the person remains before the court.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RC RS00573

CASE NAME: DOROTHY GRAHAM JACKSON

HEARING:
Petition for FOR ATTORNEY'S FEES AND FOR ORDER DIRECTING PAYMENT

COUNSEL:
REGINA MARIE FERN (PET)...WOODARD AND WOODARD
DOROTHY GRAHAM JACKSON (CEE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION continued from 8-22-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for attorney fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner is the attorney for the Conservator. He alleges that he and his associate have expended 87 hours in getting emergency orders in place and permanent letters in place. He alleges that he has earned \$13,914.77. Amount is itemized. He indicates that he understands that the estate is not large and agrees to waive all but \$9,000.
2. There is no opposition in the file at the time of this review.

RECOMMENDATION:
None.

Superior Court of Calif, County of San Bernardino

Page: 6

CIVCAL4 Rancho Cucamonga District
 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RC RS00573

CASE NAME: DOROTHY GRAHAM JACKSON

HEARING:
Petition for COURT APPOINTED ATTORNEYS FEES

COUNSEL:
REGINA MARIE FERN (PET)...WOODARD AND WOODARD
DOROTHY GRAHAM JACKSON (CEE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for attorney fees for the court appointed attorney.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Attorney Smith-Ortiz, is the court appointed attorney for the Conservatee. Petitioner requests fees of \$1,787.50 representing 7.15 hours at \$250 per hour. Amount is properly itemized.

RECOMMENDATION:
None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RG RS01819

CASE NAME: TENIKA WALTON

HEARING:
Petition for Appointment of Guardian

COUNSEL:
JAMES D HUDSON (PET)...PRO/PER
TENIKA WALTON (MIN)...

GENERAL INFORMATION: Continued from 5/02/06 and 7-18-06 to clear notes. Matter referred to GAP. On 7-18 no one appeared. Court had clerk give notice of continuance and notice that if no one appeared the matter could be dismissed. Nothing new filed.

THIS MATTER IS SET FOR HEARING ON: Petition for guardianship, person only by maternal uncle, minor 16.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file Notice of Hearing and Proof of Personal Service on minor.
2. Court may wish to review confidential screening form.

RECOMMENDATION: None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RG RS01821

CASE NAME: MICHAEL D. ZATARAIN

HEARING:
Petition for Appointment of Guardian

COUNSEL:
YOLANDA PELAYO (PET)...PRO/PER
MICHAEL D. ZATARAIN (MIN)...

GENERAL INFORMATION Temporary letters issued 3-10-06. Continued from 5/2/06 due to non-appearance. Court indicated that failure to appear at 7-18-06 hearing could result in vacation of temporary orders. Matter was again continued and the parties were referred to the Guardianship Assistance Clinic. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 2.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Court may wish to review the confidential screening form.

RECOMMENDATION:
None.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RG RS01851

CASE NAME: RYAN PATRICK PONDS

HEARING:
Petition for Appointment of Guardian

COUNSEL:
CHRISTINE CLARY (PET)...PRO/PER
DEAN CLARY (PET)...PRO/PER
RYAN PATRICK PONDS (MIN)...

GENERAL INFORMATION: Temporary letters issued 5/8/06. A note in the file apparently from petitioner requests this court date be cancelled and the case be "put on hold" for now. On 7-18 no one appeared.

Court continued matter and had clerk give notice that a failure to appear at the 9-26 hearing could result in a dismissal.

THIS MATTER IS SET FOR HEARING ON: Petition for Guardianship, person only, by friends, minor 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Mother and father have signed consent and waiver.
2. Need to file Notice of Hearing and proof of service on Mary England and Cl. Notice is dispensed to grandparents Roland Phelix and Jacklin Phelix. Who is Mary England? Is there another grandfather? If so, that person needs to be served with the Notice of Hearing, or file a due diligence declaration.
3. **Court Investigator reports the investigation cannot be completed as the investigator was unable to contact petitioners. It is therefore recommended the petition be dismissed.**

RECOMMENDATION: Court should determine if petitioners would like to continue with this case. Court should advise that temporary letters cannot remain in effect forever. We need a date certain for the hearing on permanent letters.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RG RS01869

CASE NAME: GUY ESTRADA JR

HEARING:
Petition for Appointment of Guardian

COUNSEL:

CONNIE RAYE DINEEN (PET)...TODD C MERCHANT
GUY ESTRADA JR (MIN)...
ERLINDA MARTINEZ (PET)...PRO/PER
ERLINDA MARTINEZ (PET)...PRO/PER
COURTS INVESTIGATORS OFFICE (TP)...PRO/PER

GENERAL INFORMATION temporary letters issued 6-19-06. Mother appeared and objected at the time of the hearing on 8-15-06. Court ordered mother to file written objections. No objections filed. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal Rule of Court 7.801)

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother Connie Dineen, minor 2.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order prescribing notice is unclear. Did court want father personally served or served by mail. He is a prisoner. He has been served by mail. Judge to decide.

RECOMMENDATION:

A competing petition has been filed by the paternal grandmother. See next page.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P
CASE #: RG RS01869

CASE NAME: GUY ESTRADA JR

HEARING:
Petition for Appointment of Guardian

COUNSEL:
CONNIE RAYE DINEEN (PET)...TODD C MERCHANT
GUY ESTRADA JR (MIN)...
ERLINDA MARTINEZ (PET)...PRO/PER
ERLINDA MARTINEZ (PET)...PRO/PER
COURTS INVESTIGATORS OFFICE (TP)...PRO/PER

GENERAL INFORMATION This is a competing petition with the matter on the preceding page.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandmother Erlinda Martinez, minor 2.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on parents.
2. File notice of hearing and proof of mailed service on maternal grandparents and paternal grandfather.
3. Court may wish to review confidential screening form.

RECOMMENDATION:

Court may wish to re-refer matter to Court Investigator so that a report can be done in relationship to this petitioner. Court may also wish to refer the matter to Family Court Services for a report re visitation as to this petitioner.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE MICHAEL R LIBUTTI

DATE: 09/26/06 TIME: 9:30 DEPT: R16P

CASE #: RG RS01895

CASE NAME: NATHAN LEWIS

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
CATHY LEWIS	(PET)...PRO/PER
NATHAN LEWIS	(MIN)...

GENERAL INFORMATION Temporary letters issued. 7-26-06.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 3 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court has dispensed with notice to mother. Father is unknown.
2. File notice of hearing and proof of mailed service on maternal grandfather.
3. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

CIVCAL4 Rancho Cucamonga District
 Rancho District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS00783

CASE NAME: ESTATE OF PATRICIA ANN SUBSARO

HEARING:
Probate status report filed.

COUNSEL:
WILLIAM A SHANE (PET)...RALPH K HEKM AN
PATRICIA A SUBSARO (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At the time of the status report on 3-28-06 the petitioner requested that the estate remain open for an additional 6 months to resolve a creditor's claim. Court granted that request and then set a new status report for 9-26-06. Nothing new has been filed.
2. It should be noted that this case has been open since 1996.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS01339

CASE NAME: ESTATE OF EFREN N ARAGUNDI

HEARING:

Hearing Re: Surcharge Hearing.

COUNSEL:

ELCOR N ARAGUNDI (PET)...PRO/PER
EFREN N ARAGUNDI (DEC)...

GENERAL INFORMATION continued from 6-27-06. Court ordered Elcor Aragundi, Jr. to file a declaration accounting for the missing \$8,000. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 3rd and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner filed a 2nd and final accounting. In that accounting the petitioner was represented by counsel. He now alleges that he did not understand what he was signing and it was not properly explained to him. He alleges that the accounting was not correct. Apparently he is now alleging that F. Abdulfetah, the wife of the decedent, should not have been given as much money as the 2nd accounting called for. He also alleges that as she lives in Ethiopia it is difficult to get the money to her.
2. In the document filed 1-26-06 he alleges that wife has been paid \$12,970. She is owed \$22,848.33. He alleges that if he pays her all that he still has there will be a shortfall of \$8,180.50. It should be noted that he paid himself \$46,137.68 in benefits and fees.
3. On 3-21-06 the petitioner filed additional documents showing the wire transfers and copies of checks disbursed. This does not clear up the shortfall of the money owed to the wife. **More documents filed showing a wire transfer of \$8000 on 8-29-06 (date unclear).**

4. If petitioner has in fact spent all the money that should have been distributed without paying the beneficiary what she is owed he can be subject to surcharge. If it is his contention that because the wife is in Ethiopia that he cannot send her what is owed then the amount due can be turned over to the County Treasurer. **It would appear that this contention may be incorrect per the latest documents filed. However, these documents are not clear and a further declaration regarding the transaction(s) should be ordered.**
5. Petitioner has also filed a number of copies of checks. Is he contending that these were bills incurred after the estate closed? If so, why should the total of the liability be borne by the wife?

RECOMMENDATION:

Court will have to make a determination on what is still owing to the wife and why, if there were additional bills the bills were not divided equally among the beneficiaries. Court will also have to determine if it wants to hold a surcharge hearing as to petitioner.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS01654

CASE NAME: ***MASTER FILE ROBERT EMMETT DOHERTY***

HEARING:
Petition for (7/25/06) TO REMOVE ADMINISTRATOR

COUNSEL:
DARRYL DOHERTY (PET)...GERALD H. OLDFIELD
ROBERT EMMETT DOHERTY (DEC)...
MARK R DOHERTY (PET)...HARTNELL, LISTER & MOORE
WELLS FARGO CARD SERVICES (CLA)...RORY W CLARK
MARY DOHERTY (TP)...ALTHOUSE & MCDONOUGH

Hearing vacated per court order of 8-29-06.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02028

CASE NAME: ALEXANDER & JULIA GRABOWSKI REVOCABLE TRUST

HEARING:

Motion re: Appointing trustee of sub-trust filed by Defendant
PATRICK F GRABOWSKI

COUNSEL:

LAURENCE L GRABOWSKI (PET)...PRO/PER
ALEXANDER P GRABOWSKI (DEC)...
JULIA GRABOWSKI (DEC)...
LAURIE L GRABOWSKI (PET)...PRO/PER
PATRICK F GRABOWSKI (TEE)...BEST BEST & KRIEGER LLP
NEAL L GRABOWSKI (BEST BEST & KRIEGER LLP)...BEST BEST
PATRICK F GRABOWSKI JR (BEST BEST & KRIEGER LLP)...BEST BEST
MICHAEL J GRABOWSKI (BEST BEST & KRIEGER LLP)...BEST BEST
JANIS GRABOWSKI (BEST BEST & KRIEGER LLP)...BEST BEST

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for appointment of trustee to 2 sub-trusts.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is Patrick Grabowski. The petition is brought pursuant to C.C.P. § 664.6 to enforce a settlement agreement entered into in writing before the court. At paragraph 7 on page 8 of the settlement agreement (see pink tab in Vol. 10) it states that Patrick and Laurence Grabowski shall agree to an independent corporate fiduciary as trustee of Subtrusts L&S 1984 Subtrust and L&S 1998 Subtrust. If they cannot agree then the court will appoint a corporate fiduciary for that purpose.
2. Patrick proposed that PFF Bank be used for this purpose. Laurence refused to accept PFF Bank. Patrick indicates that Laurence has not made clear what his objections are. Patrick does not indicate if Laurence has in fact indicated an alternative or set forth his reasons why PFF Bank would not be satisfactory.

3. Notice of hearing and proof of service appears defective. While the date and time was included on the front of the proof of service it is not contained in the body of the notice. See blue tab in Vol. 10 of file.
4. There is no objection in the file at the time of this review.

RECOMMENDATION:

Court will need to determine if notice is sufficient. Court will then have to determine if there will be an objection. If no objection and court deems notice sufficient then petition should be granted.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02255

CASE NAME: BARBARA MANCUSIE

HEARING:
Hearing re Final Discharge

COUNSEL:
DIANNA FRATELLO (PET)...ELIZABETH F COURTNEY
BARBARA MANCUSIE (DEC)...

GENERAL INFORMATION continued from 6-27-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All assets have been distributed other than balance on \$10,000 tax reserves. Petitioner waiting for accountant to finish returns. Per declaration filed 3-20-06 an additional 90 days was needed. Court then continued matter to 6-27-06.
2. Counsel has filed an additional declaration on 6-19-06 indicating that they have received information that the State Controller may be holding some assets of the decedent. Counsel requesting an additional 90 days to look into this matter. The tax issues in item 1 above have been resolved. The court granted the request and continued the matter to 9-26-06.

RECOMMENDATION:
Determine status.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02315
CASE NAME: HAZEL MONAGHAN

HEARING:

Hearing re Final Discharge

COUNSEL:

WILLIAM A JAMES (PET)...PRO/PER
HAZEL MONAGHAN (DEC)...

GENERAL INFORMATION continued from 7-11-06. Administrator appeared at the time of the 7-11-06 hearing. Matter was then continued to 9-26-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 4-11-06 the court found that the matter was improperly set for the filing of inventory and appraisal and should have been set for the filing of receipts and discharge.
2. No one appeared at the time of the hearing. Court also set matter for O.S.C. re failure to appear and failure to file required documents. Clerk has given notice.
3. **Executor has re-filed the same document, which is a supplement to the First & Final Account. The Court already approved the First & Final (as supplemented). What the executor needs to do now is to file a Proposed Order of Distribution based on the Final Report. After that Order of Distribution is signed by the Court, then the next step for the executor is to file a receipt signed by each beneficiary. There are many beneficiaries in this case, and each one needs to sign a receipt for the money given to them. The final step will be to submit an Ex Parte Petition for Final Discharge and Order (Judicial Council Form No. DE-295.)**

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02368

CASE NAME: **MF** JAMES EARL FULLER

HEARING:
Accounting Review

COUNSEL:
ANITA FULLER (PET)...RANDALL & ASSOCIATES
JAMES EARL FULLER (DEC)...
CLARA B FULLER (OBJ)...ANDRENA G DANCER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Second Account filed. Estate not ready to close due to on-going litigation. Settlement has been reached, and so closure could happen shortly.
2. Administrator has made 2 preliminary distributions to herself without any apparent authority to do so. The total is \$1800. Please file verified supplement explaining legal authority.
3. Need to file copy of bank statements, per local rule.

RECOMMENDATION:

Need to clear notes. Once approved, set hearing for filing of final account for Redlands Court, 4-17-07.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02405

CASE NAME: MICHAEL ROBERT DEVORIA

HEARING:
Accounting Review

COUNSEL:
RANDY DEVORIA (PET)...THOMAS V PRATT
MICHAEL ROBERT DEVORIA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 7-10-06 counsel for the administrator filed a status report indicating that the administrator could not be located. Apparently the administrator moved without giving a forwarding address to counsel. The court granted counsel a continuance of almost 3 months to locate the administrator.
2. Nothing new has been filed.

RECOMMENDATION:

In the event that counsel is not able to locate the administrator court may wish to set matter for O.S.C. re removal for having long neglected to perform any act as personal representative. Pr.C. § 8502(c). Have clerk notice administrator at last known address. There is no bonding company to notice.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02606

CASE NAME: **MF** PATRICK JAMES BUSICO

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
YAN HOO BUSICO (PET)...PRO/PER
PATRICK JAMES BUSICO (DEC)...
LAURA BUSICO-WINDBERG (PET)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION Continued from 7-11-06. A partial inventory and appraisal has been filed. No final inventory and appraisal has been filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 1-3-06 the petition of Laura Busico-Windberg was withdrawn and dismissed without prejudice. Yan Hoo Busico was appointed administrator. Then on 4-24-06 before a pro tem Yan Hoo Busico withdrew as the administrator and Laura Busico-Windberg was appointed. The problem with this is that Laura no longer had a petition pending before the court. As such there was no legal basis upon which to appoint her. Court may wish to require her to file a petition to appointed successor administrator. **In a supplement counsel indicates that it is the parties position that since Yan Hoo Busico never filed an order for probate and was never formally appointed in that capacity that the stipulation, which changed the person to be appointed as administrator, also revoked the previous withdrawal and dismissal without prejudice of Laura Busico-Winberg's petition. Counsel asks the court to view it in the same manner. Counsel provides no authority for this position.**
2. In the event that the court determines that it does not wish to require the filing of a subsequent petition the court will have to order her to file an inventory and appraisal, as she was never ordered to do so. Also the court will have to order her

to file an account for hearing on 2-6-07 with accounting filed 30 days before the hearing date.

3. A partial inventory and appraisal has been filed. When will final inventory and appraisal be filed?

RECOMMENDATION:

Court will first have to determine if it will require Ms. Busico-Windberg to file a petition to be named successor administrator. Court will have to order her to file a final inventory and appraisal and set a hearing date to ensure compliance and will have to order her to file an accounting as set forth above.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02619

CASE NAME: JOSEPH BORGIA

HEARING:
Accounting Review

COUNSEL:
MARGARET BORGIA (PET)...VICTOR P SKVARNA
MARY JENNIE WARDE (PET)...VICTOR P SKVARNA
JOSEPH BORGIA (DEC)...

GENERAL INFORMATION continued from 7-18-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02666

CASE NAME: MARION BATTISTA

HEARING:

PETITION FOR STTLMNT/FIRST and Final Account and Report.

COUNSEL:

GLORIA TOMASHEK (PET)...GREGORY T ANNIGAN
MARION BATTISTA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that Statutory fees are \$2,240. Fees are incorrectly calculated. Fees should be calculated on inventory and appraisal value, plus gain, plus receipts plus income, less losses. Here, fees should be \$4,037.57. Are petitioner and counsel waiving the difference between fees requested and the corrected statutory fees? File verified supplement.
2. Petitioner requests reimbursement of costs in the amount of \$438.57. Amount is itemized.
3. Attorney requests reimbursement of \$960.25 in costs advanced. Amount is itemized.
4. Attorney requests extra-ordinary fees in the amount of \$335.50. Attorney billed at \$305 per hour. This could be excessive. Generally, attorney fees not exceeding \$250 per hour are allowed in court's throughout the county. Judge to decide.
5. Petitioner requests permission to withhold \$17,500 as tax reserve and closing costs. Ok
6. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 11-27-07.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02863

CASE NAME: LILLIAN JEAN RICE

HEARING:

Petition for final account, report of personal representative,
petition for atty's fees

COUNSEL:

GREGORY A RICE (PET)...HOWARD R HAWKINS
LILLIAN JEAN RICE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED: .

1. Please explain receipt in accounting. Was that a reimbursement? File verified supplement. **Supplement filed. Receipt related to reimbursement for property taxes paid on the real property sold.**
2. Statutory fees are \$14,835.43. Petitioner waives fees.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for Redlands court 4-17-07.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02878

CASE NAME: JOHN ROBERT WHEELER

HEARING:

Petition for (09/26/09) FOR FINAL DISTRIBUTION ON WVR OF ACCTNG
FOR ALLOWANCE OF STATUTORY ATTORNEY'S FEES

COUNSEL:

JANAE WHEELER (PET)...MITCHELL I ROTH
JOHN ROBERT WHEELER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver and Final Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole heir waives accounting.
2. Administrator waives commission.
3. Attorney requests statutory fees of \$12,112. OK
4. Attorney requests extraordinary fees of \$1736 for 6.2 hours at \$280 per hour to get court order for sale of real property. Matter was brought ex parte in order to save a deal entered into by the surviving spouse prior to filing the probate petition. Court might wish to consider whether \$280 is higher than reasonable rate for services in the area. Court might also wish to consider whether attorney has shown that he will not be receiving a reasonable fee per the statutory fee without enhancement, per Under Estate of Walker (1963) 221 Cal.App.2d 792.

RECOMMENDATION:

Court's discretion on fees. Once approved, set hearing for filing of receipts and final discharge for 9-25-07 in Redlands Court.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02884

CASE NAME: JOSE AND GUADALUPE HERNANDEZ LIVING TRUST

HEARING:
Petition for Removal of Trustee 09/26/06

COUNSEL:

MARGARET HERNANDEZ (PET)...AAEN LAW PARTNERS
MARK HERNANDEZ (PET)...AAEN LAW PARTNERS
JOSE HERNANDEZ (DEC)...
GUADALUPE HERNANDEZ (DEC)...
MARGIE FRY (OBJ)...RICHARD G ANDERSON

GENERAL INFORMATION continued from 3-28-06. On 3-28 the court denied the petition for removal without prejudice and then reset it for 9-26-06. Court ordered trustee to file an accounting and an inventory and appraisal as to the surviving spouse's trust and marital life estate trust by 9-25-06. A mandatory settlement conference was to have been held on 8-15-06. Do not see minute order for that date, so do not know if hearing was held. There is a notice of continuance of the mandatory settlement conference to 10-31-06, but I do not see a court order supporting that notice. The notes below are from the last hearing. Nothing else new has been filed.

THIS CASE IS SET FOR HEARING ON petition for account, inventory and appraisal, breach of trust, order to ascertain trust assets and determination of to whom the property shall pass, removal of trustee and appointment of independent professional fiduciary.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Jose and Guadalupe Hernandez created the Hernandez Living Trust. Jose died on 10-28-99 and Guadalupe died 6-3-03. Margie Fry became the successor trustee. Petitioners are a beneficiary of the trust and a representative of the estate of another beneficiary.
2. Upon the death of the first settlor the trust was to be divided into 2 sub-trusts the Marital Life Estate Trust and the Surviving Spouse's Trust. It is alleged that at the

time of the death of the first settlor all property owned by the first deceased was to be transferred into the living trust, plus accumulated income and appreciation. The wording of the petition is somewhat confusing, but it appears that all of the above was to have been transferred into the Marital Life Estate Trust, which was irrevocable. In the next paragraph the petitioners allege that the property in the Living Trust was community. The Living Trust property should have been divided ½ into the Marital Life Estate Trust (MLET). The MLET apparently states that 3 of the beneficiaries are to be given the real property at 11156 Monte Vista, Chino. Based on this the petitioners allege that all of this real property should have been transferred into the MLET estate. The surviving settlor was a life beneficiary in the MLET and upon her death the assets of the MLET were to be distributed to the surviving beneficiaries.

3. The Surviving Spouses Trust was amendable and revocable during the settlor's life. On 1-30-03 settlor created a document entitled The Guadalupe Hernandez Trust naming Margie Fry Trustee.
4. On 9-19-05 petitioners demanded financial information concerning the MLET to Fry and her counsel. On 12-21-05 petitioners received 2 documents purporting to be final accounting documents for the MLET and the Guadalupe Trust. There was no accounting for the Surviving Spouse's Trust.
5. Petitioners allege that the accounting and inventories set forth no personal property assets such as cash, certificates of deposit and related assets originating from the living trust. Petitioners also allege that there was no statement of how the real property was apportioned between the MLET trust that the Surviving Spouse's Trust. Petitioners are requesting that there be a court reviewed accounting and inventory and appraisal for all relevant and necessary trust administration activity and assets engaged in by Fry and her predecessor Victor Hernandez.
6. Petitioners are requesting that the court order a full accounting and the filing of an inventory and appraisal of the MLET and the Surviving Spouse's Trust. Petitioners request that the court find that there has been a material breach of the trust and breach of fiduciary duty due to an alleged improper sale of the real property, failure to properly account and waste of assets. Petitioners request that the court ascertain beneficiaries, trust assets and determine to whom the property should pass. Petitioners request that Margie Fry be removed as Trustee and that a professional fiduciary replace her. Petitioners also request damages for any loss to the trust via surcharge of the trustee.
7. Opposition has now been filed.
8. The court can settle accountings and pass on the acts of the trustee. Pr.C. § 17200(b)(5). The court has the power to remove and appoint trustees. Pr.C. § 17200(b)(10). The court can compel redress of a breach of trust. Pr.C. § 17200(b) 12).

RECOMMENDATION:

Matter is contested and needs to be set down on the contested calendar. Court will have to determine if there is discovery that needs to be done. The court will have to set a trial date. Setting of a trial date will provide the parties with a date certain for discovery cut-off.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02886

CASE NAME: VALLIE C. WADSWORTH.

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
CARNEALEUS GARRETT (PET)...PRO/PER
VALLIE C WADSWORTH (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal filed. The clerk has given notice.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02888

CASE NAME: JENNIFER WEILER

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
FELICIA STEINLE (PET)...MITCHELL I ROTH
JENNIFER WEILER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:
Matter may go off calendar.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02906

CASE NAME: HELEN J ROVEGNO

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

JAMES F ROBEGNO JR (PET)...SUZANNE M GRAVES
HELEN J ROVEGNO (DEC)...

GENERAL INFORMATION continued from 5-9-06 and 7-11-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
\$171,126 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that bond be set in the amount of \$171,126. Per information in the file this would appear to be adequate.
2. Will is not self proving. File proof of subscribing witness. **Declaration filed regarding search for witnesses to the will. One witness completed declaration. However, that document has not been filed with the court. NEED THIS DOCUMENT. The other witness cannot be found.**
3. Petitioner has filed an inventory and appraisal not completed by the probate referee. There are items in the inventory and appraisal that are not subject to appraisal by the personal representative. File inventory and appraisal prepared by the probate referee.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-3-07. Set hearing for filing of status report and/or accounting for 11-27-07. Any accounting to be filed 30 days in advance.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02911

CASE NAME: ***MASTER FILE LORI D MOSBY*****

HEARING:
Further Mandatory Settlement Conference

COUNSEL:
JOHN MOSBY (PET)...MITCHELL I ROTH
LORI D MOSBY (DEC)...
CHRISTA L NIKOLAUS (TP)...SELTERS & SELTERS

GENERAL INFORMATION continued from 8-15-06.

THIS CASE IS SET FOR HEARING ON mandatory settlement conference

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court gave parties until 9-5 to file additional briefs on the issue of the competing petitions. Court will entertain oral argument on 9-26 and then take matter under submission.
2. **Declaration of Attorney Roth filed. His client tried to settle the matter. Information regarding client's qualifying for bond and attempt to preserve property.**

RECOMMENDATION:
Determine status.

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 09/26/06 TIME: 10:30 DEPT: R17P

CASE #: RPRRS03022

CASE NAME: IN THE MATTER OF RUBY D REYES TRUST

HEARING:

Petition for Beneficiary for removal of successor trustee and
for instructions

COUNSEL:

BONNIE J FINK
RUBY D REYES

(PET)...MOGA LAW FIRM
(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to remove successor trustee and for
instructions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a beneficiary of the Ruby Reyes Trust that became irrevocable on 6-27-05. Petitioner alleges that the successor trustee, Charles Byers, is a drug addict and is currently taking prescription drugs without a prescription. He apparently was stealing these drugs from Peggy Ann Valenzuela who is now deceased. Later in the petition the petitioner identifies Ms. Valenzuela as a beneficiary, but does not set forth the relevance of the fact that trustee was stealing drugs from Ms. Valenzuela. Petitioner alleges, based on hearsay, that the trustee refuses to distribute to Bonnie Find, Raymond Byers or the issue of Peggy Valenzuela. Petitioner alleges that trustee has not provided the notice as is required by Pr.C. § 16060.
2. File a list of names and address of all persons entitled to notice, as is required by Pr.C. § 17201. Can't determine if notice is complete in the absence of such a list.
3. Is the copy of the trust in the file the entire trust? If so, the trust appears to contain only \$20 in assets. Schedule A is not that which is normally referred to as a Schedule A. A Schedule A normally contains a list of the assets to be considered a part of the trust. Here the only reference to actual assets of the trust is found on the

page labeled recitals in paragraph 2. Therein it states that the settlor has initially set aside and the trust now holds \$20. There is nothing in the trust that would indicate that any additional assets were transferred to the trust.

4. The verification is a photocopy. Did the court want an original signature?
5. Petitioner requests that the court remove the trustee and appoint her in his place. Petitioner requests that she be awarded attorney fees, but offers no authority for the awarding of attorney fees. In the caption the petitioner indicates that she seeks instruction, but the petition is devoid of any questions upon which the court can instruct.
6. There is no opposition in the file at the time of this review.

RECOMMENDATION:

Require petitioner to clarify what it is that she seeks instruction on. Require petitioner to establish that the real property that appears to be the center of the dispute is actually an asset of the trust. Require the petitioner to provide a list of all persons and address of persons entitled to notice. Court will need to determine if it wants an original signature on the verification.